

REMARKS

Filed herewith is a Request for Continued Examination of this application. This Amendment and the accompanying remarks are responsive to the July 20, 2006 Final Office Action as well as to the points raised during an August 8, 2006 telephonic interview with Examiner Drodge. Request is hereby made to reconsider the outstanding rejection of this application in view of the following.

Applicants wish to extend their thanks to Examiner Drodge for the courtesy extended to applicants' representative and to Drs. Ryles and Rosati during the August 8, 2006 interview, the substance of which is incorporated herein.

Claims 26-28 remain provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claim 19 of copending Application No 10/892,847. As stated in their response to the previous Office Action, Applicants plan to file an appropriate terminal disclaimer at such time as the present application is considered allowable on the merits.

Claim 3 is now provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claim 1 of copending Application No. 10/892,847, in view of claim 19 of '847. This rejection will be overcome by applicants' filing of a terminal disclaimer upon receipt of notice of allowability on the merits.

Claims 26-28 remain rejected under 35 U.S.C. §102(b) for allegedly being anticipated by Dymond et al. U.S. Patent No. 4,777,200 ("Dymond, et al."). This rejection is hereby traversed.

The office action contends that Dymond, et al. disclose a water-in-oil emulsion and contained polymer at column 4, lines 55-67. However, as discussed at length during the

interview, the water-in-oil emulsion or continuous oil phase referred to in the cited Dymond passage is the substrate drilling fluid to which the aqueous (water-in-oil) solution containing polymer of Dymond is added as the thickener, not the emulsion containing polymer itself as in the present invention. In Dymond the polymers are oil soluble and as a consequence, when the oil phase of the Dymond oil-in-water emulsion hits the oil of the substrate drilling fluid, the polymer dissolves and is no longer discrete. In contrast the present invention polymers which are themselves water soluble and in a water-in-oil emulsion, remain discrete and undissolved when they hit the oil of the oil based drilling mud in the present invention. Dymond, et al. therefore fail to teach all elements of the presently claimed invention and therefore would not have anticipated claims 26-28. Reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection of these claims are thus earnestly solicited.

Claims 1-25 remain rejected under 35 U.S.C. §103(a) over Chen, et al., U.S. Patent No. 5,763,523 ("Chen, et al.") in view of Thompson, et al., U.S. Patent No. 4,913,585 ("Thompson, et al."). This rejection is respectfully traversed.

Chen et al. is directed to water-in-oil emulsion blends of polymers and monomers that can be used as flocculants for suspended solids from aqueous dispersions. There is no mention or suggestion whatsoever of flocculating in oil based dispersions, much less oil based drilling muds, as presently claimed. While Chen does mention in passing that the polymers therein can be undissolved or dissolved, all of the examples in Chen teach only those polymers that are dissolved, as they necessarily would be once they are added to aqueous continuous systems. Thompson, et al. like Chen et al., is limited exclusively to flocculation of aqueous based dispersions – in particular water based drilling muds and in fact emphasizes the dewatering of these drilling muds. Hence, any combination of Chen et al. with Thompson et al.

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would at most result in a method of using water-in-oil emulsions of polymers to flocculate water based drilling muds and a subsequent dissolution of the water soluble polymers. Instead, the present invention is directed to a method of flocculating oil based drilling muds wherein the water soluble polymers in water in oil dispersion remain as discrete particles and do not dissolve. Claims 1-25 of the present application would therefore not have been obvious over Chen et al. in view of Thompson, et al. Reconsideration and withdrawal of their rejection under 35 U.S.C. §103(a) on this basis are thus earnestly solicited.

In view of the foregoing this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-28 are earnestly solicited. Should the examiner not yet consider this application in condition for allowance or have a question concerning this response, he is invited to telephone the undersigned at the number listed below.

Respectfully submitted,



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